



AGENDA FOR THE CITY OF BARABOO PUBLIC SAFETY COMMITTEE

Members noticed must notify Committee Chairman Wedekind at least 24 hours before the meeting if they will not be able to attend.

Date and Time: Monday, June 08, 2020 – **1:00 P.M.**

Location: City Services Center – 450 Roundhouse Court, Baraboo, WI

Members Noticed: Phil Wedekind, Tom Kolb, Michael Plautz

Others Noticed: Administrator K. Downing, Mayor M. Palm, Police Chief M. Schauf, Fire Chief K. Stieve, Attorney E. Truman, City Engineer T. Pinion, Utility Superintendent W. Peterson, Street Superintendent T. Gilman, and Library.

Remote participation at this meeting is allowed and encouraged. Committee members and the public wanting to participate remotely must dial:

Conference Call No: +1-414-662-3639 Conference Code No: 866 434 136#

1. Call to Order

- a. Note compliance with the Open Meeting Law.
- b. Roll call.
- c. Approve agenda.
- d. Approve minutes of April 13, 2020 Public Safety Committee meeting.

2. Action Items

- a. Discussion and possible recommendation to Common Council to adopt an Ordinance prohibiting vaping in all locations where smoking is currently prohibited in the City of Baraboo.
- b. Consider Proposed Amendment to existing License Agreement with US Cellular for the CTH A Water Tower Site.
- c. Review and recommend approval of the WWTP's 2019 Compliance Maintenance Annual Report.
- d. Consider including new Street Lights as part of the WDOT's STH 33 (8th St/Ave) Reconstruction Project.
- e. STH 33 Preliminary Resolution Declaring Intent to Levy Special Assessments for Sanitary Sewer Lateral Replacement in the right-of-way as part of the WDOT's STH 33 Reconstruction Project.
- f. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for April and May, 2020.

3. Information Items

None

4. Reports

- a. Utility Superintendent's Report
 - i. Staffing updates
 - ii. Project updates
- b. Street Superintendent's Report
 - i. Staffing updates
 - ii. Equipment Updates
 - iii. Monthly Report on Public Works Department activities
 - iv. Project updates
- c. Police Chief's Report
 - i. Staffing Update
 - ii. Case/ Response Update
- d. Fire Chief's Report
 - i. Update on Implementation of Fire Department Operations Study Recommendations
 - ii. Update on proposed Fire Department Remodeling project
 - iii. Staffing Updates

5. Adjournment

Phil Wedekind, Chairperson

Agenda Prepared by Kris Jackson
Agenda Posted by Kris Jackson on June 5, 2020

PLEASE TAKE NOTICE that any person who has a qualifying disability as defined by the Americans with Disabilities Act, that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk (101 South Blvd or phone 355-2700) during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

FOR INFORMATION ONLY, NOT TO BE PUBLISHED

MEMORANDUM

City of Baraboo

Date: June 05, 2020
To: Public Safety Committee
From: Tom Pinion
Re: Background for the June 8th meeting @ **1:00 pm** – City Services Center

ACTION ITEMS:

Item A. Please see the Memo from the City Attorney in the Packet.

Item B. US Cellular currently leases space on the top of our CTH A water tower. They are looking to upgrade their facilities again and add some additional equipment to the tower. Accordingly, we have requested they amend the existing lease agreement and they have agreed. Attached is the proposed Amendment, which has been reviewed by the City Attorney. At our request, they did submit a structural review of the tower that verified the additional load would not affect the integrity of the tower.

Item C. Wade and the staff at the WWTP have completed their annual Compliance Maintenance Annual Report (CMAR) summarizing the previous year's operations at the WWTP. The CMAR "report card" is attached and it should be noted that Eugene Doro and the entire staff at the WWTP continue to do an outstanding job operating the plant! A full copy of the CMAR will be available at the meeting for your review.

Item D. The Wisconsin DOT has asked if the City would be interested in including new street lights in the upcoming STH 33 reconstruction project. The (very) preliminary costs estimate for DOT "standard" street lights is \$600,000 and the DOT and City would split the cost 50/50. Below is a screen shot from USH 12 in Sauk City showing the DOT's "standard" street lights.



If the City would prefer decorative lighting, similar to the lights on South Blvd, for example, the DOT would only contribute 50% of what "standard" street lights could cost and the City would be responsible for the rest. Staff is just looking for direction to whether or not the City would like to pursue this option.

Item E. As part of the upcoming STH 33 Reconstruction Project, we are planning for improvements to both the sanitary sewer and water main facilities. We are considering lining some sections of sewer and replacing others. The vast majority of water services are copper so we are not anticipating the need to do much work on them. Considering the age of the sewer system, we would like to replace all sanitary sewer laterals as part of the project to reduce the need to open cut the roadway in the future. We would like to take advantage of this opportunity and replace every sewer lateral from the main to the sidewalk, which confines all of the work to the existing right-of-way and avoids the need to secure any real estate interests, (i.e. easement or acquisition). Since the property owner is responsible for their sewer lateral from the sanitary sewer main to their building, they would be responsible for the cost of the work we are proposing. The cost should be very reasonable since the work will be done in conjunction with the scheduled road reconstruction.

There are roughly 150 properties along STH 33 and we would like to provide property owners sufficient time to plan for the special assessments. At your direction, we will prepare a Preliminary Resolution Declaring the City's Intent to Levy Special Assessments for consideration at a future Council meeting.

Item F. This is the standing agenda item to review and approve monthly utility billing adjustments. The adjustments for April and May 2020 are included in the packet.

INFORMATION ITEMS: None

See you Monday at **1:00 PM !**

Minutes of the Public Safety Committee Meeting – April 13, 2020

Members Present: Phil Wedekind and Tom Kolb, and Mike Plautz. **Others Present:** Kennie Downing, Emily Truman, Kevin Stieve, Tom Pinion, Wade Peterson, Mark Schauf, and Mike Palm.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Plautz, seconded by Kolb to approve the minutes of the February 24, 2020 meeting. Motion carried unanimously.

New Business

- a. Consider proposed revision to the Financial Hardship repayment provision for Special Assessments – Engineer Pinion said that making a provision for a financial hardship was discussed in February 2019, specifically to allow the \$100 payment or 3.5% of the assessment, whichever was greater; however, never got any action or went to Council. He said that when it was looked at this year, a suggestion was made to make it 5% instead of the 3.5%. He said the reason for this is that 5% is 1/20th of the total, and with a life expectancy of 20 years, it would actually be paid off when the life expectancy expired. He said at 3.5% it would be paid off just shy of 30 year. He said it is the feeling of staff that 5% would be more appropriate. It was stated that the 5% of \$2000 would be \$100 based on 70 lineal feet of sidewalk per lot. Pinion said that most of the lots this year are substantially more than 70 feet. He said that the 70-feet was based on the \$30.00 per square foot estimate; however, the actual bid prices came in at \$24/ft, so \$2,000 would equate to 85 feet of front, so homeowners having more than 83 of frontage could be paying more than \$100. Kolb then asked if the Committee should also be addressing the delaying or deferring of payments due to the extraordinary circumstances. Pinion said that this provision is not on the agenda, therefore, cannot be discussed at this time. Pinion said when the final resolution is discussed, which will include all payment options that would be the time to consider that special provision. Attorney Truman agreed regarding the item not being on the agenda. It was moved by Kolb to accept the proposed revision to the Financial Hardship repayment provision for Special Assessments, noting that it would be \$100 per year, or 5% of the cost, whichever is greater. Plautz seconded. Motion carried unanimously.
- b. Recommend levying Special Assessments in accordance with the Sidewalk Policy for new sidewalk on Tuttle Street, 9th Street, and 13th Avenue that will be installed as part of the 2020 Street Improvements – Pinion presented background to the Committee. Pinion then explained the three-step process for levying special assessments. Kolb agrees to the connection on the 9th Street to Tuttle. He said he has a problem with removing mature trees, but he realizes that they can be replaced. He asked if the 4-foot sidewalks would be continued. Pinion said that this would be a policy decision that the Committee could recommend. He said that the City's standard is 5-foot, but given the concession that the Council made a few years ago, one could argue it makes sense to continue that 4-foot site work on the balance of that roadway. Kolb said that he would be in favor of continuing with 4-foot sidewalks on 13th Avenue for consistency. He asked if this is where he should suggest that a provision for some kind of relief by deferring or delaying payments for extraordinary circumstances should be entered. Attorney Truman asked if there was anything in particular that he had in mind. Kolb said that he would like to direct the City to look at this issue and come up with something at the time of Council. Plautz said that he would hate to see the beautiful, mature trees removed. Pinion said that there would be a neighborhood meeting in advance of the Public Hearing. Pinion said that it is the practice of the Forestry Department to replace the trees at a ratio of one for one, and in some instances where the mature trees, they have been known to replace some at the ratio of 2-to-one. Plautz asked if sidewalks could be installed without removing trees. Pinion said no, if we are to maintain at least four-foot green terrace between the curb and the new sidewalk, he cannot squeeze it in the front of the trees and there is not enough room. Plautz said that he was going to abstain at this time. It was moved by Kolb to recommend levying the Special Assessments in accordance with the Sidewalk Policy for new sidewalk and that the Committee direct the City to consider the possibility of deferring or delaying the initial payment in time for the Council meeting. Plautz seconded the motion. Plautz said that the 4-foot sidewalk looks very small and asked as long as the trees have to go could a 5-foot sidewalk be installed. Pinion said that when the City had the discussion with the neighboring two blocks to the east the City conceded that the sidewalk would be 4-foot in width. He said that 36" sidewalk is the bare minimum, the sidewalks would be 48", which complies with ADA for wheelchair purposes. He said that it boils down to cost, it is 25% more for the homeowners to bare if it is 5-foot versus 4-foot. Motion carried 2-1, Plautz abstained.
- c. Review Bid Tabulations for 2020 Street Improvement Projects and recommend award of contracts – Pinion said there were two separate proposals, one was all of the street reconstructions that didn't have any underground work associated with them and the other three projects were underground primarily, a water main on Mound Street and then storm sewer on both Hill and the Camp Street alley. There were five total bidders, two on Proposal A, and four on Proposal B. He said that the prices

were very competitive and the resolution that was included subsequent to that will go to Council as recommending award to the respective low bidders, Dean Blum Excavating for Proposal A, and J&J Underground LLC for Proposal B. Kolb moved to accept the low from Dean Blum Excavating and J&J Underground. Plautz seconded the motion. Motion carried unanimously.

- d. Review Proposal for Noxious Weeds & Rank Growth Proposal and recommend award of contract – Pinion presented the background regarding the proposals. He said there were two bidders, Sunrise Property Care, and Landscape Logiq, LLC. Prices are relatively close to one another, it is the recommendation of staff is Sunrise Property Care. It was moved by Kolb to accept the low bid of Sunrise Property Care. Motion carried unanimously.
- e. Review STH 136 Median Mowing Proposals and recommend award of contract – Pinion said there were three bidders and STH 136 Median Mowing. Top 2 Bottom who has historically been the low bidder on that submitted the low bid price again at \$55.00 per mowing. Sunrise Property Care was \$60.00, and newcomer Landscape Logiq, LLC was \$300 per mowing. He said it is staff recommendation to award the bid to Top 2 Bottom. It was moved by Tom Kolb to award to the low bidder, Top 2 Bottom. Plautz seconded the motion. Motion carried unanimously.
- f. Review Proposals for Storm Water Quality Management Plan Update and recommend award of contract – Pinion said that the City put together a Master Storm Water Plan in 2007, and it is time to update it. He said that two years ago the City applied for an Urban Non-Point Source Planning Grant to assist in the cost of this and were not successful. He said in 2019 a proposal was submitted and were successful receiving \$31,000 in a grant to help offset the cost. He said it was budgeted for 2019, the fact the City got the grant, it could not start until 2020; therefore, the City postponed the start of it to take advantage of the grant. He said the he solicited six different consultants requesting the cost for them to update the plan. He said that he shared the old plan, the budget, and the entire application for and four of them opted not to submit a proposal. He said that MSA was at \$75,536, Short Elliot, Henderson, which is SHE was \$88,771. He said that both firms are capable of doing it, and thinks it's a better bag for the buck if the City spends less money on it and MSA should be more familiar with it and have some of the modeling involved which he suspects the reason for the significant difference in price, so staff recommends an award to MSA Professional Services for \$75,536. It was moved by Kolb to approve the low bidder, MSA in the amount of \$75,536 for the update of the Storm Water Quality Management Plan. Plautz seconded the motion. Motion carried unanimously.
- g. Review Proposals for Asbestos Testing and Sampling, for the former Ringling Manor – St. Mary's Hospital at 1208 Oak Street, and recommend award of contract – Pinion said that the Council has reiterated their desire to raze this property, so the first step in that is to have someone come in and test the building for asbestos or lead paint that is present, take samples and send them in for testing. He said that he solicited proposals from four different companies, two declined, they did not want to go into the building in its current condition, so the two that responded were Badger Environmental Services, and A&A Environmental. He said that Badger was there 14 years ago and did all the sampling and testing for the developer that was proposing Swift Haven, but no one has a copy of that. He said the City has discussed acquiring the property with the County, there is a clear path to do that; however, we don't want to do it until we have some other funding in place, and we need the results back before applying for the funding, and it is a \$2,200 cost to get someone to come in and do the requisite testing on the property. Staff is recommending awarding to Badger Environmental. It was moved by Kolb to accept the lower bidder, Badger Environmental Services LLC in the amount of \$2,200. Plautz seconded the motion. Motion carried unanimously.
- h. Consider Alliant Energy's request for a 12-foot wide utility easement on City-owned land immediately north of the northerly right-of-way of 2nd Avenue adjacent to Lower Ochsner Park – Pinion presented background for this item. He said Alliant is requesting to relocate the gas main. He said that they would be doing a directional bore under the river to avoid suspending it on the bridge. It was stated that typically they compensate the private property owners and they would likely offer the City the same price per foot rate; however they have not talked about the specifics on that, but Alliant indicated that they were not expecting it for nothing. Kolb moved to grant the utility easement along Second Avenue to Alliant Energy. Plautz seconded the motion. Motion carried unanimously. Pinion said by way of information he discussed this with the Park and Recreation Director, although it is part of the park, it customarily would go to the Park Commission; however, he suggested since it was utility related project and so close to the road that it just go through Public Safety.
- i. Consider request from Carsen Nachreiner for a 2nd Driveway at the duplex he owns at 331 Martin Street – Nachreiner was not present. Kolb said that he would not like to see this go through in its present form. He said that if the rest of the Committee does not object he would be willing to proceed with a discussion on it. Wedekind said that he would like to talk to the man because he has concerns with this. Kolb said he would not approve the six lots nor the location that he has the

new lot. He said that his feeling it that since it is a duplex the Committee could allow the second driveway on Cherry Alley, but it should at least be 10 feet from the existing sidewalk, and only be two parking spaces. He said the other lot looks like it is three, and should be reduced to two and both should be paved if he were to approve it. Pinion then gave the Committee a very detailed presentation of Nachreiner's full site plan and what he is proposing. He said that Nachreiner is willing to upgrade the existing gravel one to a hard surface. He indicated that if the Committee was favorable to his request that Nachreiner should not be allowed to pave anything wider than twenty-four feet, which is the equivalent of two nice stalls. Pinion said that there simply is not room anywhere on the Martin Street frontage to provide off-street parking, which is why Nachreiner has resorted to the request for this particular location. Plautz said that he feels a little uncomfortable being that close to an intersection. He felt other than tenants walking a little farther if Nachreiner could just add to the existing one. Pinion said that would make the existing one four, five, or six stalls, and would violate the maximum driveway width provision because it would end up being a minimum of 36 feet at the curb if it was straight in without a flare, or more if he made more stalls. Pinion said that he would be more inclined to provide two separate areas and try to have both of them comply with the maximum width standard. Pinion said that it is up to the Committee to decide how many, if they wanted to make two up front and two in the back would make better sense and he would be restricted to only paving the 24-foot width of the existing rather than the full 27 that is gravel now. He said if the Committee wanted to restrict it to two and two, that way it is a maximum convenience for his tenants and reasonable off-street accommodations for his tenants. Plautz feels it odd to be so close to the intersection. Pinion said that it is proposed at 5-feet, but he thinks the Committee could get away with requiring it to be further from the intersection. He said typically alleys do not have right-of-ways, but it is at least four feet from any private drive. Plautz said he would be in favor of moving it down a little bit further, maybe ten feet. Kolb asked Mark Schauf to weigh in of public safety. Schauf said that in his opinion, the 15-foot, which is consistent with crosswalks, would be the more appropriate distance to have. Wedekind agrees with the 15-feet, and he recommends that both of them be paved. Schauf said that another point he would be concerned with is snow removal with the absence of public right-of-way or boulevard, making sure that he understands that he can't just push snow in the road because that will create an addition road hazard. Pinion said he did briefly talk to Nachreiner about this and said that he does not push the snow into Cherry Alley now, he has on-site storage. Kolb moved to allow a second driveway on Cherry Alley it is twenty feet from the existing sidewalk and be only two parking spaces wide, paved, and the existing driveway be reduced by one parking stall and also be paved. Plautz seconded the motion. Motion carried unanimously.

- j. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for March 2020 – It was moved by Kolb, seconded by Plautz to approve monthly Billing Adjustments/Credits for Sewer and Water Customer for March 2020. Motion carried unanimously.

Reports

- a. **Utility Superintendent's Report**
 - i. Staffing updates – Peterson said the new Water employee starts on April 27, he is a man that has transferred from West Baraboo. Wendy Hanley, Billing Tech will be retiring on August 3.
 - ii. Project updates – Peterson said river crossing down at the old pump house has been difficult. He said there has been a few equipment issues and a few weather issues, but are continuing to make progress. He said hopefully they would be able to get both of the sanitary sewer crossings underneath the river this week. He said they have the water main underneath and tested, they just have to do bacteria samples. He said he is a little concerned that the Oak Street Booster Station motor control center may be delayed due to COVID19, but right now, they are only talking a one week delay, so he is still looking at May to June timeframe to install the new generator and all the new electrical equipment. He said that the Water Utility had their audit last week and as always Jan and Wendy did an outstanding job, we have no significant fines and are good to go for another year. Kolb extended his congratulations to Peterson and staff on the excellent rating.
- b. **Street Superintendent's Report**
 - i. Staffing updates – Pinion said that the department is fully staff once again, the most recent hire is David DeMars, he started the beginning of March and seems to be a very good
 - ii. Monthly Report on Public Works Department activities – Pinion said that Gilman's activity report is self-explanatory. He said the department is in a bit of a lurch, for lack of a better term as far as pothole patching. The department has exhausted the normal supply of patch material and there is no more cold patch available, and the hot mix plant does not open up until April 27, weather permitting; therefore, the

department is getting by with the more expensive patch in a bag, but they cannot continue and stay economically efficient. The department has gone through another auction, taking some opportunities to reduce some inventory.

- iii. Project updates – The department has started stump grinding of the nearly 250-300 trees that were taken down throughout the winter, the grinder is rented through the month of April. Pinion reported on the Welcome to Baraboo sign revitalization project.

c. Police Chief's Report

- i. Department Activities – Chief Schauf gave the Committee an update on his Department's response to the COVID19. He said that the department is actively working with the Emergency Management group, which includes Fire Chief, City Engineer, City Attorney, and City Administrator making daily meetings and decisions about responses and things that need to be done to make sure that everyone is properly protected. He said that the general police responses have changed a bit in the face of what is going on, they have reduced some activities, such as parking enforcement. Schauf is happy to report that their response in the area of community support has gone up tenfold. He said the department has been involved in multiple food drives, helping the ADRC deliver Meal on Wheels, this morning the department helped a group deliver 180 boxes of food, non-perishable and perishable to needy families in the community.
- ii. Staffing Updates – Schauf said they are doing well as far as the COVID response, no one has had any issues and no one has been sent home for concerns that there may have been an exposure. He said the department is short staff due to natural people leaving. He said another officer left the department this month, conversely he hired one who started a couple weeks ago, and there is one that is in the final phases of the process, and hopefully will be hired by the middle of May.
- iii. Case Report – Schauf said because of the COVID response he is unable to give the Committee the report that he would have wanted to. He gave Committee an update on the new Records Management Software that was to go live April 1; however, due to COVID it has been pushed back until July.

d. Fire Chief's Report

- i. Report on COVID19 – Stieve said he will be including a report to the Council of the Whole and rather than the Committee hearing it twice, he summarized it. He said that the Fire Department also has a specialized operational plan that was developed for COVID19. He said that Assistant Chief Willer has four a free scheduling software that they have been using and it is working great where the paid per call sign up for shifts at night, limited to five people. He said they have added another one for some probationary members so they can gain some experience.
- ii. Incident Report – Stieve said that the call volume has dropped drastically.
- iii. Staffing Updates – Stieve said group training has been put on hold because the rules of ten or less people has to be followed. He said the Willer found a web-based program where he sent out a few hours' worth of training that the members have to complete, and then it will be followed up with hands on training in the future.
- iv. Fire Inspections – Stieve said that they just received guidance from the Governor's office that they are not going to penalize the department for suspending the program.

AJOURNMENT – It was moved by Kolb, seconded by Plautz to adjourn at 2:07 p.m. Motion carried.

Respectfully submitted,

Phil Wedekind, Chairman

OFFICE OF THE CITY ATTORNEY

Memorandum

To: Mayor Mike Palm
Public Safety Committee Members
From: Emily Truman, City Attorney
Date: May 20, 2020
RE: Legal Review re: WI Vaping Restrictions and Ordinance Creation

Wisconsin state law has not caught up to the current trend in vaping: The State law prohibits smoking, which is defined as a “burning” of tobacco, inside most buildings that are open to the public, but this does not extend to vaping. Further, in my legal opinion, the State’s clean air statute (Ch. 285) does not pertain to the regulation or prohibition of vaping indoors. Because of this, some municipalities in Wisconsin wanting to regulate vaping have adopted ordinances that specifically prohibit vaping.

The City currently prohibits vaping by City Code in the following locations:

- City parks (this includes along the Riverwalk, at the Zoo, at the Pat Liston Dog Park, in park parking lots, etc.)
- In City owned and leased properties (this includes the Library, City Hall, etc.)
- On the UW-Baraboo campus

Juveniles are also strictly prohibited from possessing and using vapes containing nicotine. It is my understanding that the Baraboo School District has a non-vaping policy and Sauk County has their own ordinance prohibiting vaping in their buildings. The CDA also prohibits vaping in its buildings. A violation of any of the City’s ordinances may result in a citation with a forfeiture bond amount of \$213.10.

Legally, there is nothing preventing the City from adopting an ordinance that would further prohibit vaping, such as inside businesses, restaurants, etc. Adopting an ordinance needs to occur by the Council, by way of the Public Safety Committee. If this is recommended for approval, I will suggest revising the current City’s Code by consolidating smoking and vaping under Sections 9.21, 9.21A and 9.21B and making a single Section under 9.21 that regulates smoking and vaping.

DRAFT SAMPLE ORDINANCE:

- 9.21 ~~TOBACCO USE~~ **SMOKING, VAPING AND TOBACCO USE REGULATED.**** (1665 11/92 See §134.65 Wis. Stats., 2428, 02/24/2015, XXXX, XX/XX/XX renamed and consolidated §9.21A and §9.21B under this ordinance)
- (1) **STATE SMOKING BAN ADOPTED.** The City hereby adopts, by reference, the provisions of § 101.123, Wis. Stats., smoking prohibited, pertaining to the statewide smoking ban.

(2) VAPING PROHIBITED. Vaping is prohibited in all areas located within the City limits where smoking is prohibited by the provisions of § 101.123, Wis. Stats.

(3) ADDITIONAL LOCAL PROHIBITIONS.

(a) There shall be no smoking, vaping or use of any tobacco-containing product upon the property of or in any building or structure of the University of Wisconsin Baraboo/Sauk County.

(b) There shall be no smoking, vaping or use of any tobacco-containing product in any City owned or leased building, including in an entrance to a City owned or leased building.

(c) Regulations for children under the age of 18:

i. No child may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, ~~or~~ nicotine product ~~or electronic delivery device~~.

(c) Possess any cigarette or tobacco product, ~~or~~ nicotine product ~~or electronic delivery device~~.

(ii) A child may purchase or possess cigarettes, tobacco products, or nicotine products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1) Wis. Stats.

(4) A law enforcement officer shall seize any ~~electronic delivery device~~, cigarette, tobacco product, or nicotine product involved in any violation of this section committed in his or her presence. (1665 11/92) ~~Seized items shall be held or disposed of per the current policy of the police department. (xxxx xx/xx/xx)~~

(5) No person may procure for, sell, dispense, furnish or give away any cigarette or tobacco products or nicotine product to a child. (1796 03/28/95)

(d) See also § 19.03(12), of this Code.

(3) DEFINITIONS. For purposes of enforcing the smoking and vaping ban in the City of Baraboo, the following definition shall apply to this Section instead of the definitions found in State statutes:

(a) “*Electronic delivery device*” means any product containing, delivering or capable of containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the

product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, and electronic hookahs.

(b) *“Enclosed place”* means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. An 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(c) *“Smoking”* means the use of tobacco products in any form including, but not limited to, burning or holding or inhaling or exhaling smoke, mist, or vapor from any of the following items with the ability to contain tobacco or nicotine products.

- (1) A lighted cigar;
- (2) A lighted cigarette;
- (3) A lighted pipe;
- (4) An electronic delivery device;
- (5) Any other lighted smoking equipment.

(d) *“Vaping”* means the use of an electronic delivery device.

(3) **INSPECTION AND ENFORCEMENT.** The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to this section.

THIRD AMENDMENT TO LICENSE AGREEMENT

This Third Amendment to License Agreement (the “Third Amendment”), made this ____ day of _____, 2020, modifies that certain License Agreement dated the 15th of December, 2001, as amended by the First Amendment to License Agreement dated the 25th of March, 2015 and the Second Amendment to License Agreement dated the 1st of August, 2016 (collectively, the “Agreement”) by and between the City of Baraboo (“City”) and United States Cellular Operating Company LLC, a Delaware limited liability company, Attention: Real Estate Lease Administration, 8410 West Bryn Mawr Avenue, Chicago, Illinois, 60631 (“Company”).

WHEREAS, City and Company entered into the Agreement to allow Company to locate telecommunications equipment on the water tower (“Tower”) owned by the City and located at 4329 County Hwy A in the City of Baraboo, and;

WHEREAS, City and Company hereby agree to amend the Agreement to describe changes to Company’s equipment on the Premises, and;

NOW, THEREFORE, in consideration of these presents, the parties hereby agree that the Lease is now modified as follows:

- I. Section 2b, License, is hereby modified to allow the addition of six (6) Remote Radio Units (“RRU”) and two (2) Raycaps to the already agreed upon twelve (12) antennas already located on the Property. For the sake of clarity, following installation of the upgrade contemplated by this Third Amendment, the Company shall have the following equipment on the Tower: Twelve (12) antennas, nine (9) RRU’s and three (3) Raycaps.
- II. Effective upon the first of the following month after the modifications to the Site are complete (“Commencement Date”), the annual License Fee shall be increased by two thousand four hundred (\$2,400.00) dollars per year and pro-rated for any partial year.
- III. Lease Exhibit B-1 is hereby deleted and replaced with the following attached Amendment Exhibit B-2.
- IV. Lease Exhibit C-1 is hereby deleted and replaced with the following attached Amendment Exhibit C-2.
- V. Except as amended herein, all other terms of the Lease remain unchanged and in full force and effect.

[END OF AMENDMENT - SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, City and Company have executed this Third Amendment as of the last signature date below.

CITY: City of Baraboo

COMPANY: United States Cellular
Operating Company LLC

By: _____

By: _____

By: _____

Printed: _____

Title: Vice President

Date: _____

Date: _____

[NOTARY PAGE TO FOLLOW]

Compliance Maintenance Annual Report

Baraboo Wastewater Treatment Facility

Last Updated: Reporting For:
5/20/2020 **2019**

Grading Summary

WPDES No: 0020605

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Phosphorus	A	4	3	12
Biosolids	C	2	5	10
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			32	118
GRADE POINT AVERAGE (GPA) = 3.69				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

The City of Baraboo, Wisconsin

Background: The DNR requires that local units of government review and approve an annual report called the Compliance Maintenance Annual Report. This report assesses the need for consideration of, or construction at, wastewater facilities and in collection systems. The scoring system for the report is based on a letter type of grade. We scored eight A and one C. The C was due to a high Molybdenum level in one of the Biosolids samples. It did not exceed the maximum, but did exceed the 80% level. The Molybdenum came from the fly ash that we use to treat the Biosolids. We have sampled three times since then and levels are back to normal.

Again the crew does an outstanding job with operating and maintaining the treatment facility and collection system. We continue to be fiscally responsible and maintain low sewer rates.

Fiscal Note: ☒ *Not Required* ☐ *Budgeted Expenditure* ☐ *Not Budgeted*

Comments

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

That the 2019 Compliance Maintenance Annual Report for the Water Resource Recovery Facility and collection system be hereby approved.

Offered by: Public Safety Committee

Motion:

Second:

Approved: _____

Attest: _____

Report Criteria:
Selected types: Billing Adjustment

Billing Adjustment

04/01/2020

Name	Customer Number	Type	Description	Amount	Service
BOYSA FOX POINT APTS	86-003100-10	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA FOX POINT APTS	86-003000-10	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA FOX POINT APTS	86-001100-03	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA FOX POINT APTS	86-001000-05	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA SOUTH POINT APTS	96-000000-04	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA SOUTH POINT APTS	96-000100-05	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
BOYSA SOUTH POINT APTS	96-007000-04	Billing Adjustment	REMOVE CHARGE/0 DAY BILLING	- 37	Multiple
Total 04/01/2020:				-2 59	

04/03/2020

Name	Customer Number	Type	Description	Amount	Service
HANLEY, MARK	95-082000-00	Billing Adjustment	CHAIN HOOKED ON BASEMENT TOILET	-9 06	Multiple
RUSSELL, PATRICIA	72-100000-00	Billing Adjustment	REPLACED LEAKY TOILET/WATER HEATER	-9 06	Multiple
Total 04/03/2020:				-18 12	

04/06/2020

Name	Customer Number	Type	Description	Amount	Service
MUELLER, ALLAN	64-008000-00	Billing Adjustment	RUN FOR FREEZE MARCH 2020	-92 91	Multiple
Total 04/06/2020:				-92 91	

04/07/2020

Name	Customer Number	Type	Description	Amount	Service
CITY OF BARABOO - MARY ROUNDTRE	62-060000-00	Billing Adjustment	MINIMUM BILL ERROR	-27 10	SEWER - 30
CITY OF BARABOO - PIERCE PARK	95-004000-00	Billing Adjustment	MINIMUM BILL ERROR	-27 10	SEWER - 30
CITY OF BARABOO - SWIMMING POOL	72-131000-00	Billing Adjustment	MINIMUM BILL ERROR	-27 10	SEWER - 30
SIXTH AND PARK LLC	60-075000-04	Billing Adjustment	PIPE BURST IN JANUARY	-16 30	Multiple
Total 04/07/2020:				-97 60	

04/13/2020

Name	Customer Number	Type	Description	Amount	Service
CUMMINGS, TIMOTHY	70-048000-07	Billing Adjustment	Read/Usg Adj for 03/31/2020	-960 91	Multiple
Total 04/13/2020:				-960 91	

04/21/2020

Name	Customer Number	Type	Description	Amount	Service
BEBBER, RONALD	65-025000-00	Billing Adjustment	REPLACED TOILET VALVES	-119 93	Multiple
Total 04/21/2020:				-119 93	

04/29/2020

Name	Customer Number	Type	Description	Amount	Service
SPINNING WHEEL MOTEL	56-044000-00	Billing Adjustment	REPAIRED TOILET(S)	-1,042.11	Multiple
Total 04/29/2020:				-1,042.11	
Total Billing Adjustment:				-2,334.17	
Grand Totals:				-2,334.17	

Report Criteria:
Selected types: Billing Adjustment



To: Public Safety Committee
From: Utility Superintendent
Re: June 2020 Agenda

Old Business:

None

New Business:

Review/Approve Annual CMAR report
Review/Approve Amendment to US Cellular contract for Hwy A water tower

Reports:

Billing Technician position – Wendy will be retiring on August 3rd. We advertised for that position and received 54 applications. We interviewed seven candidates and selected Jessica Wilcox from the City of Portage Utilities. She will start on June 15th. We budgeted to have the overlap so we go get some valuable training done before Wendy's departure.

Water crewman position – We were able to fill our vacant position. Bill Clary joined us. He came over from the Village of West Baraboo.

River crossing project – The project is completed except for some land restoration. Allen Steele had several significant issues during the project, but were able to complete the directional drilling under the river.

Oak Street Booster Station Electrical Upgrade – Project has just started. Some of the electrical equipment has been delayed by a few weeks due to Covid-19. Project should be completed by mid-July.

Lead Service replacement – We have completed a few lead services. A majority of this year's replacements will be on Mound Street when the water main/street reconstruction is completed. That should use up the last of the grant money. Looks like there will be state grant money available for 2021, we will be applying for funding this fall.

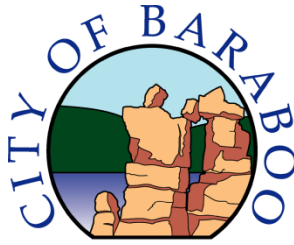
Sanitary sewer maintenance – The crew has about one week of jetting. We will have to wait on this jetting until we get a good dry spell. The jetting is down on the river walk area. Our contractor for slip-lining sewers has already been here and completed their project. We slip-lined about 2,500' of sewer mains in the Victory Heights subdivision.

Biosolids spreading – Went great this spring due to cooperating weather.

Water production (Covid-19) – We are definitely down on our water production. The significant reasons are LSC Communications, schools, and restaurants. LSC Communications has filed for chapter 11 and has not paid their first quarter bill (roughly \$90,000). We have one larger apartment complex that has not paid their first quarter bill also. PSC has suspended all late fees and disconnections due to Covid-19. Year-to-date we are down 28,343,000 gallons or 12% in water production.

2019 CMAR – The report is completed and the resolution is drafted. Not all “A”s this year. We received a “C” in Biosolids. The C was due to a high Molybdenum level in one of the Biosolids samples. It did not exceed the maximum, but did exceed the 80% level. The Molybdenum came from the fly ash that we use to treat the Biosolids. We have sampled three times since then and levels are back to normal.

US Cellular agreement - US Cell has approached the Water Utility on updating their equipment on the Hwy A water tower and has requested an amendment to our present agreement. The City attorney has reviewed the amendment. We hired a third party contractor to review all of the proposed structural changes and they will also be our on-site inspectors during the construction project.



APRIL/MAY 2020 STREET DEPARTMENT STATUS REPORT

Staffing Updates

- No new staffing to report. DPW staff is continuing with a “split shift” until we feel the COVID situation has quelled to the point that we can safely resume our previous daily work schedule.

Activity Report

- In April, crews focused on curbside leaf cleanup, street sweeping, monthly brush cleanup, got an early start on line striping, and we removed a deteriorated retaining wall on South Street.
- The month of May saw us begin our annual Stormwater Utility repairs, we provided curb replacements for the Water Utility due to the past winters water main and/or service breaks, and we are getting started on our scheduled alley replacements.
- We continued to perform “Campus” improvements by creating a new storage area behind our enclosures for the storage of Storm and Water Utility infrastructure parts (pipes, structures, connections, etc.). Our goal is to create a better organized and inventory friendly layout.
- We continue to perform improvements to the area referred to as “The Brush Site”. The sale of the Air Curtain Destructor on May 8th gives us a bit more room to layout the brush drop off area in a way to alleviate illegal dumping. NOTE: The brush site saw very high traffic during the COVID-19 situation, one particular weekend saw over 1200 visitors between Friday, Saturday, and Sunday. The Baraboo PD, has been extremely helpful with our pursuit to eliminate the illegal dumping or non-resident dumping at the site. We have cited and billed several individuals in the past couple months as we step up enforcement efforts.

Project Updates

- We have an aggressive list of projects slated for the upcoming 2020 construction season with projects ranging from alley reconstructions, retaining wall reconstructions, stormsewer repairs, repairs to deteriorated flow lines in select intersections, “campus” improvements, as well as our annual street maintenance intentions.

Please Stay Healthy and Happy!!
Thank you, The DPW Crew